

REMARKS

This Response is made to the Office Action dated July 31, 2009. Claims 1-5 are pending. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below. Applicants request that this Amendment After Final be entered for purposes of appeal.

Claims 1-5 were rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 6,336,934 to Gilson et al. (the "Gilson patent"). Claim 1 specifically recites that the filtering assembly is mounted to an outer tubular member which in turn is mounted to an inner tubular member which is adapted to abut against the stop fitting located on the shaft member for limiting axial movement of the filtering assembly along the shaft member. The Examiner acknowledges that the Gilson patent lacks the inner member having a shorter length than the outer tubular member but states that it would have been obvious to one skilled in the art to include such a component to enhance rotation and slidability to the device. Applicants, however, strongly disagree with the Examiner's position. First, there is nothing in the Gilson patent which shows that the outer tubular member (104) has any difficulty in sliding and rotating on the shaft member (101). The Examiner's position is purely speculative. Moreover, even assuming *arguendo* that one skilled in the art would add a bushing to the Gilson device to increase slidability, the Examiner fails to explain or justify why one skilled in the art would use an inner tubular member which is **shorter** than the outer tubular member, as is recited in the claims. The presently claimed invention creates a short hood or sleeve at one or more ends of the composite tubular device which aids in maintaining the end in an abutting relationship with the stop fitting found on the shaft member. Accordingly, the Examiner has provided no reasoning why one skilled in the art would create this structure when viewing the Gilson patent. Claim 2 further calls for the shaft member to be a guide wire with a distal spring tip, the distal spring tip serving as a stop fitting which abuts against

the inner tubular member. Applicants submit that this structure is also lacking in the Gilson patent. The Gilson patent show a distal spring tip (107) attached to the end of the shaft member (101). However, an olive guide (120) is disposed between the filter (105) and the distal spring tip (107). Therefore, the distal spring tip 9107) cannot be used as the stop fitting in the Gilson device. Claim 3 further states that each of the inner and outer tubular members has a proximal end and a distal end and the guide wire includes a second stop fitting in an abutting relationship with the **proximal ends** of the outer and inner tubular members. Again, the Gilson patent does not, and cannot, use the distal spring tip (107) as a stop fitting. Claim 4 further requires the outer tubular member to extend over a portion of the spring tip coil of the guide wire. This structure is lacking in the Gilson device. For at least these reasons alone, the Gilson patent fails to disclose the basic elements recited in claims 1-5. Accordingly, Applicants respectfully request the Examiner to withdraw the obviousness rejections raised against claims 1-5. .

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

Applicants believe that no fee is required. The Commissioner is authorized, however, to charge any fees that may be required by this paper to Deposit Account No. 06-2425.

Respectfully submitted,
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